

Payroll Dialogue Minutes

August 8, 2007

1. FMLA / CFRA – Jeff

Family Medical Leave Act / California Family Rights Act

A. Basic Rights

1. Employee receives up to 12 weeks of leave to care for a child, care for a family member, or due to their own illness.
2. Care for in-laws, grandparents, etc... is not included. FMLA covers only parents, spouse, children.

B. Eligible Employees

1. Employee must have worked 12 consecutive months and 1250 hours (about 24 hours/weeks if they are a temporary or part time employee) preceding leave.
2. Employee must use their leave balances before going on leave without pay (donated time ok). In the case of care for a family member, they may only use the amount of their sick leave allowed by the Family Sick Leave provision of California Labor Code section 233.

C. Employer Responsibilities

1. Protect the employee by returning them to the same or an equivalent position after their FMLA leave.
2. Maintain other employment rights such as pension vesting, life and disability insurance, and seniority.
3. City must continue paying its portion of health and welfare benefits. Employee must pay their contribution. If employee is on leave without pay they must write a check to the City for their amount. Employees are sent documentation outlining their rights and responsibilities at the outset of FMLA leave.

D. Employer's Rights

1. Can require medical certification initially and periodically. (Must be renewed every fiscal year.)
2. Can require that intermittent leave be scheduled at the convenience of the department, as long as it does not conflict with the medical needs of the employee.
3. Can require pre-notification if the need is predictable.

E. Employee's Responsibilities

1. Make sure paperwork and documentation is completed.
2. Return to work within 30 days of the end of the FMLA period or else pay back the City's Health and Welfare contribution.

F. Related Issues

1. California State Disability Insurance/Paid Family Leave (CA SDI PFL). Covers injuries not occurring at work. Employees participate voluntarily by work group, and pay the cost of the insurance through payroll deduction. Benefits provided can be coordinated with use of sick leave.
2. Pregnancy Disability – can be used at the same time as FMLA.

3. Family Sick Leave – employees can use up to half of their annual accrual to care for illness of immediate family.

G. Other Questions

1. Q – If the employee is caring for a family member under FMLA which TRC code should be used? A – S01_K.

For more information go to the Department of Labor Website at <http://www.dol.gov/esa/whd/fmla/>, or the California Department of Fair Employment and Housing site at www.dfeh.ca.gov/Statutes/cfra.asp.

2. Military Pay – Mary Jane

A. References

1. Administrative Order 2-19, Military Leave
2. Military and Veterans Code, Div. 2, Part 1, Chapter 7, Section 395
3. Fresno City Municipal Code Section 2-1512.1
4. Council Resolution 2007-192—expires 6/30/08

B. Eligible Employees

1. Temp and Permanent City employees for at least one year.
2. Exception: DD Form 214 showing active duty for at least one year.

C. Pay

1. M10—Active Duty Only—30 calendar days per fiscal year = 173.33 hours
2. Police on a 4X10 schedule = 180 hours
3. Fire on a 24 hour schedule = 242.66 hours
4. Exception: Same orders extended from previous fiscal year with no break
5. M11—Inactive Duty or already exhausted the 30 calendar days of M10 or not an employee or prior military active duty for at least one year.
6. M09—Special Council-Approved Supplemental Military Pay related to active duty as a result of the ongoing Middle Eastern Conflict –special check prepared by Finance Payroll staff –pays employee the difference between base military pay and City base pay—employee provides Finance Payroll with “My Pay” LES as a basis for payment. This will only be in effect through FY08.

D. Required

1. All military pay requires that the employee provide a copy of the official Military orders showing dates covered and type of duty (active, etc.).
2. Make sure that Mary Jane receives copies of orders.

E. Benefits

1. City-paid Health Benefits will continue without interruption—employee must still pay Supplemental Medical if applicable (if not, arrearage will accrue).
2. Leave Accruals will be lost if M11 is greater than 80 hours per calendar month.
3. Management employees-- Life/Disability will continue without interruption.

F. Return to Work

1. Service 31-180 days—they have 14 days after service to return.
2. Service 181 or more days—they have 90 days after service to return.

3. Deadlines – Steven

A. PeopleSoft Users

1. PeopleSoft Time and Labor is closed at 10 a.m. on Monday. Payroll then begins running all of the processes.
2. All reports need to be signed and turned in with all the supporting documentation no later than 11 a.m. on Monday of Payroll Processing.

B. Kronos Users

1. All time must be approved and signed off by 10 a.m. on Payroll Monday.
2. All backup documentation needs to have a cover letter and turned in by 11 a.m.
3. Time and Labor will be reopened from 1 p.m. until 4:30 p.m. for the cleanup of exceptions.

C. Pre-List Cover Sheet

1. If you need this cover sheet, email Steven Shubin and he will send you a copy.

4. Question & Answer Session

Q – Can an employee choose to be on L01 – leave without pay if they have leave balances?

A – Generally, No, but there are some exceptions: back from military, leave for family member but have used all family sick leave, or can get special City Manager approval.

Q – What happens if the Supervisor/Director does not approve a donation request?

A – The use of donated time is at the prerogative of the Supervisor/Director.

Q – What do we do when an employee works a partial day on a holiday?

A – There is a document on the Website at <http://www.fresno.gov/Staff/Payroll/Forms.htm>, Holiday Benefits Matrix. Please call when you aren't sure as there are many alternatives.

Q – When people request payoff of leaves are they supposed to put the request into Kronos or should the clerk request they fill out the form and the clerk will post it into Kronos?

A – These should be placed into Kronos by the employee.

Q – What happened to the VTO program? Will it be reinstated in the future?

A – The Resource Management Cabinet made a recommendation to eliminate VTO but did so after the salary resolution had already been approved by council. This year the use of VTO is at the discretion of management. What happens in future years has yet to be determined.

Q – When will the Payroll Upgrade occur?

A – The upgrade is projected to go live December 3, 2007.